

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: S. Maes

Examiner: B. Prieto

Serial No: 09/545,078

Group: Art Unit 2142

Filed: April 7, 2000

Docket: Y0R919990273US1 (8728-298)

For: A CONVERSATIONAL PORTAL FOR PROVIDING CONVERSATIONAL
BROWSING AND MULTIMEDIA BROADCAST ON DEMAND

REPLY BRIEF

Appeal from Group 2142
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This Reply Brief responds to the Examiner's Answer (dated December 19, 2006) in this Appeal. In particular, this brief is respectfully submitted to respond to the issues and points of contention raised in the Examiner's Answer with regard to the rejection of claims 1, 23 and 34.

In general, as may be readily gleaned from the Examiner's Answer, the claim rejections are seemingly premised on an improper standard of claim interpretation as applied to the claim terms "conversational browser" and "synchronized modalities" as essentially recited in claims 1, 23. In particular, in addressing Appellants arguments, the Examiner essentially finds that Appellant's written disclosure has not set forth with *reasonable clarity, deliberateness and precision, a controlling definition* for the claim terms "*conversational browser*" and "*synchronized modality*", and based on this, the Examiner applies a standard of claim interpretation where the terms are given their ordinary meaning and broadest reasonable interpretation, while ignoring preferred embodiments as taught in Appellant's specification (see generally, Examiner's Answer pages 11-12).

Claim 1 recites, in part,

a conversational browser to provide a user interface that adapts an interaction dialog between the conversational portal system and a client according to one or more modalities supported by the client, and wherein the conversational browser can retrieve one or more pages from an information source in response to a request from the client and serve or present the retrieved pages to the client in at least one format that is compatible with the one or more modalities supported by the client, wherein the at least one format comprises a multi-modal format that can be rendered in two or more synchronized modalities

Claim 23 recites, in part:

a conversational browser that provides a conversational user interface to access the conversational portal system, wherein the conversational browser adapts an interaction dialog with the access device according to one or more modalities supported by the access device, and wherein the conversational browser can retrieve one or more pages from the content server in response to a request communicated from the access device and serve or present the retrieved pages to the access device in at least one format that is compatible with

the one or more modalities supported by the access device, wherein the at least one format comprises a multi-modal format that can be rendered in two or more synchronized modalities.

Despite the above claim language, the Examiner claim interpretation results in the claim features of:

a conversational browser that can present or serve a multi-modal page having a multi-modal format that can be rendered in two or more synchronized modalities

being interpreted as:

a browser presenting a page rendered in two or more modalities.

Clearly, the claim interpretation analysis offered by the Examiner's Answer is not founded on sound factual or legal reasoning, and is merely being crafted in a way to fit the claim language to the disparate teachings of the cited references. At the very least, the Examiner's watering down of the claim language by omitting various claimed features such as "multi modal page", conversational, synchronized, etc. underscores the impropriety of the claim rejections.

As noted on page 7 of the Appeal Brief, when evaluating claims, the Examiner must interpret the claims with the broadest *reasonable* interpretation that is consistent with the specification and the Examiner cannot interpret the claim language in a vacuum, but rather the claims should be interpreted in view of the specification as it would be interpreted by one of ordinary skill in the art. See, In re Sneed, 710 F.2d 1544, 1548, 218 USPQ 385, 388 (Fed. Cir. 1983); In re Bond, 910 F.2d 831, 833, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990); In re Morris, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997). Furthermore, the Examiner must apply the broadest reasonable meaning of the claim terms "in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description

contained in the applicant's specification." *In re Morris*, 127 F.3d 1048, 1053-54, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997).

Here, even assuming, *arguendo*, that the written disclosure does not provide a clear, unambiguous and precise definition of the terms “conversational browser” or “synchronized modalities”, for example, the Examiner must still interpret the claim terms consistent with the specification, and not merely dismiss or ignore such terms. At the very least, as noted by the Examiner, Appellant’s specification provides detailed descriptions of various embodiments with regard to the claim terms.

For instance with regard to “conversational browser”, Appellant’s specification provides various exemplary structural embodiments of conversational browsers, which are adapted to have various operative features, such as those recited in the claims. In particular, irrespective of the specification, the claimed inventions (e.g., claims 1 and 23) claim a conversational browser that (i) provides a user interface that adapts an interaction dialog; (ii) can serve or present retrieved pages in at least one format that is compatible with the one or more modalities supported by the client, wherein the at least one format comprises a multi-modal format that can be rendered in two or more synchronized modalities. At the very least, just by virtue of the claim features, a “conversational browser” can be interpreted as a browser having an architecture adapted to provide the claimed functionalities, which are clearly described in the specification. However, the Examiner’s findings seem to ignore this.

Moreover, with regard to synchronized modalities, the Examiner seems to recognize Appellant’s teachings of synchronized modalities referring to a computing paradigm in which an action of a given command in one modality is synchronized with corresponding actions in

another supported modality (see, Examiner's Answer, top of page 12). Despite the clear teachings, the Examiner's claim analysis ignores this.

For at least the above reasons, Appellant respectfully submits that the Examiner's Answer fails to provide sufficient justification for the claim rejections.

Respectfully submitted



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